

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 21 CR 105  
)  
Plaintiff, )  
)  
vs. )  
)  
DENZAL STEWART and LAMAR TAYLOR, ) Chicago, Illinois  
) February 26, 2021  
Defendants. ) 10:38 o'clock a.m.

TRANSCRIPT OF TELEPHONIC PROCEEDINGS - DETENTION HEARING  
BEFORE THE HONORABLE MAGISTRATE JUDGE M. DAVID WEISMAN

APPEARANCES:

For the Plaintiff HON. JOHN R. LAUSCH, JR.  
Via Telephone: United States Attorney  
BY: MR. ALBERT BERRY, III  
219 S. Dearborn St., Suite 500  
Chicago, Illinois 60604

For the Defendant LAW OFFICE OF STEVEN R. HUNTER  
Stewart Via Telephone: BY: MR. STEVEN R. HUNTER  
900 W. Jackson Blvd., Suite 7 East  
Chicago, Illinois 60607

For the Defendant SASSAN & SASSAN  
Taylor Via Telephone: BY: MR. ANTHONY J. SASSAN  
161 N. Clark Street  
Chicago, Illinois 60601

Also Present Via  
Telephone: MS. JUDITH LESCH, Pretrial Services

Court Reporter: MS. JOENE HANHARDT  
Official Court Reporter  
219 S. Dearborn Street, Suite 1744-A  
Chicago, Illinois 60604  
(312) 435-6874

\* \* \* \* \*

PROCEEDINGS RECORDED BY  
MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 21 CR 105-1, USA vs. Denzal Stewart, and  
2 21 CR 105-2, USA vs. Lamar Taylor.

3 THE COURT: Good morning.

4 For the United States?

5 MR. BERRY (Via Telephone): Good morning, everyone,  
6 Albert Berry -- B, as in "Boy," e-r-r-y -- for the United  
7 States.

8 THE COURT: Good morning, Mr. Berry.

9 MR. BERRY (Via Telephone): Good morning.

10 THE COURT: For Mr. Stewart?

11 MR. HUNTER (Via Telephone): Good morning, Judge,  
12 Steven Hunter on behalf of Denzal Stewart.

13 THE COURT: Good morning, Mr. Hunter.

14 Mr. Stewart, are you on the line, sir?

15 THE DEFENDANT STEWART (Via Telephone): Yes, sir.  
16 Good morning.

17 THE COURT: Good morning.

18 For Mr. Taylor?

19 MR. SASSAN (Via Telephone): Good morning, your Honor,  
20 Tony Sassan -- S-a-s-s-a-n -- on behalf of Lamar Taylor.

21 I understand Mr. Taylor is on the line, as well.

22 THE COURT: Good morning, Mr. Sassan.

23 Good morning, Mr. Taylor.

24 THE DEFENDANT TAYLOR (Via Telephone): Good morning,  
25 your Honor.

1           THE COURT: All right. We are here for a detention  
2 hearing.

3           Mr. Stewart and Mr. Taylor, it is my understanding you  
4 are willing to proceed with this hearing telephonically.

5           Is that correct, Mr. Stewart?

6           THE DEFENDANT STEWART (Via Telephone): Yes.

7           THE COURT: Mr. Taylor, is that correct?

8           THE DEFENDANT TAYLOR (Via Telephone): Yes.

9           THE COURT: All right.

10          Mr. Berry, where does the government stand on  
11 detention?

12          MR. BERRY (Via Telephone): Your Honor, as to both Mr.  
13 Stewart and Mr. Taylor, the government is seeking detention  
14 based off of risk of flight and risk of danger to the  
15 community.

16          THE COURT: All right.

17          And I am sorry, is there a representative from  
18 Pretrial Services on the line?

19          PRETRIAL SERVICES OFFICER (Via Telephone): Yes, your  
20 Honor, good morning, Judith Lesch on behalf of Pretrial  
21 Services.

22          THE COURT: Good morning, Ms. Lesch. Thank you for  
23 being here.

24          All right. Mr. Berry, I interrupted you. So, danger  
25 to the community and risk of flight. Those are the two bases

1     that you are proceeding on; is that correct?

2             MR. BERRY (Via Telephone): Yes, your Honor.

3             THE COURT: All right.

4             And what is your proposal? Do you want to present  
5 evidence as to Mr. Stewart and, then, Mr. Taylor?

6             Do you want to do a joint presentation and, then, an  
7 individual presentation?

8             I know you have provided the Court with a video. I am  
9 thinking that may be better presented jointly and, then,  
10 discuss the 3142 factors individually.

11            MR. BERRY (Via Telephone): That is correct, your  
12 Honor. That was my plan, in order to proceed today.

13            THE COURT: All right.

14            So, Mr. Berry, have you provided the video disk that  
15 you gave the Court to defense counsel?

16            MR. BERRY (Via Telephone): I have, your Honor. I  
17 have provided the three videos and the player to defense  
18 counsel, via the U.S.A. FX Exchange, the day before yesterday.

19            THE COURT: All right.

20            Mr. Hunter, do you acknowledge receipt and access to  
21 that information?

22            MR. HUNTER (Via Telephone): Yes, Judge.

23            One thing, though. I received four videos. So, if he  
24 is only presenting three, could he identify which three?

25            THE COURT: Sure. All right.

1           MR. BERRY (Via Telephone): I apologize for that. The  
2 three videos, the one is called Buddaball On My Way Downtown.  
3 That is B-u-d-d-a, for Buddaball.

4           The others are one -- the videos of the fire, one --  
5 from Pritzker Park East and the other down State Street.

6           There was a small video -- there was a video that  
7 showed something else. And I am not presenting that, Mr.  
8 Hunter.

9           MR. HUNTER (Via Telephone): Thank you.

10          THE COURT: All right.

11          Mr. Sassan, do you acknowledge receipt of and access  
12 to the video information Mr. Berry just described?

13          MR. SASSAN (Via Telephone): Your Honor, I am actually  
14 trying to find it --

15          THE COURT: Well, take your time. I want you to have  
16 access to it.

17          MR. SASSAN (Via Telephone): -- in the e-mail that I  
18 have.

19          (Brief pause.)

20          MR. SASSAN (Via Telephone): Your Honor, I apologize.  
21 Could I ask Mr. Berry to resend that link?

22          I have been able to find at least one of the other  
23 videos through a different source, but I apologize and I can't  
24 find the e-mail with the link to the -- you know, to the -- the  
25 U.S drop box that --

1 THE COURT: All right.

2 Mr. Berry, can you resend that?

3 And the second question, if you can, how long will it  
4 take for Mr. Sassan to load the software necessary to view the  
5 video?

6 MR. BERRY (Via Telephone): I will resend that right  
7 now.

8 I got an e-mail saying that he had accepted the  
9 invite. So, let me just resend it.

10 THE COURT: And how much time will be involved, Mr.  
11 Berry?

12 We have a court reporter on and we don't need to have  
13 all of this on the record if there is going to be, you know, a  
14 chunk of time to get everyone orientated.

15 MR. BERRY (Via Telephone): It might -- the video --  
16 the player, itself, can be a little finicky, your Honor, as you  
17 know.

18 THE COURT: Okay.

19 MR. BERRY (Via Telephone): But it may take --

20 THE COURT: So, here is what we are --

21 Yes, thank you, Mr. Berry.

22 Here is what we are going to do. We will take a brief  
23 recess.

24 Mr. Berry, please send that over.

25 Mr. Sassan -- everyone stay on the line, but,

1 Mr. Sassan, once you receive it and you load the software, I  
2 don't know how it is going to interface with your computer;  
3 but, once it is ready to go, so you can access it, just let us  
4 know and we will go back on the record.

5 But Mr. Stewart and Mr. Taylor, if you can indulge us  
6 so that Mr. Sassan has access to this information, we are going  
7 to need a few minutes.

8 And I know the Lockup -- or I don't know if we're at  
9 the MCC -- but people there, I apologize for the delay. But we  
10 need to get everyone with access to this.

11 So, Mr. Berry and Mr. Sassan will be in the courtroom.  
12 We will be hearing you. Just tell us when you are ready to go.

13 And, then, if the court reporter, you don't need to  
14 put this in-between exchange on the record, since we are just  
15 waiting.

16 MR. HUNTER (Via Telephone): Judge, could I -- I am  
17 sorry.

18 MR. BERRY (Via Telephone): I just sent the link.

19 THE COURT: Thank you, Mr. Berry.

20 Mr. Hunter?

21 MR. HUNTER (Via Telephone): Yes, Judge, Steve Hunter  
22 on behalf of Mr. Stewart.

23 Judge, I have got my player opened and the way it  
24 works is I have to drag whichever video over to it and get it  
25 going.

1           So, would it be possible for Mr. Berry to let us know  
2       which one he is going to use first, so I can queue it up?

3           THE COURT: Brilliant.

4           Mr. Berry?

5           MR. BERRY (Via Telephone): I will start with the  
6       video on State Street. So, that is the second one.

7           MR. HUNTER (Via Telephone): Thank you.

8           MR. BERRY (Via Telephone): It is at 69:82.

9           MR. HUNTER (Via Telephone): Right. Got it.

10          THE COURT: All right.

11          We are going to go off the record now and, then, we  
12       will jump back on once Mr. Sassan is ready to go.

13          Thank you.

14          MR. BERRY (Via Telephone): Thank you.

15          MR. HUNTER (Via Telephone): Thank you, your Honor. I  
16       apologize.

17          (Brief recess.)

18          (Whereupon, the Court gave its attention to other  
19       matters, after which the following further proceedings were  
20       had in open court, to wit:)

21          THE CLERK: Recalling 21 CR 105-1, USA vs. Denzal  
22       Stewart, and 21 CR 105-2, USA vs. Lamar Taylor.

23          THE COURT: All right. We are back on the record.

24          Mr. Sassan, do you have access to the video  
25       information that Mr. Berry may be presenting to the Court?



1           MR. BERRY (Via Telephone): I think now he can only  
2 hear me through my phone, your Honor.

3           Mr. Sassan, the Judge is speaking.

4           MR. SASSAN (Via Telephone): Yes, I can only hear  
5 through your phone.

6           MR. BERRY (Via Telephone): Okay.

7           THE COURT REPORTER: I am sorry, I cannot hear Mr.  
8 Sassan.

9           THE COURT: Thank you.

10          Mr. Berry, can you explain to me what is going on  
11 because we are going to have trouble hearing Mr. Sassan.

12          MR. BERRY (Via Telephone): Sure.

13          Mr. Sassan, are you on a different line or were you  
14 calling in from your cell phone?

15          MR. SASSAN (Via Telephone): I have been calling in on  
16 my cell phone.

17          I am now only on your line now.

18          MR. BERRY (Via Telephone): Do you not have another --  
19 you don't have another phone to call in on or should I try to  
20 get you through WebEx?

21          MR. SASSAN (Via Telephone): I don't have another  
22 phone to call in on.

23          MR. BERRY (Via Telephone): Okay.

24          So, this work around, your Honor, you thought Mr.  
25 Sassan was giving me a separate number. I am on his cell phone

1 through FaceTime and, therefore, he got cut off of your line  
2 with the Court.

3 So, now, what I think I will probably have to try to  
4 do is invite him through a WebEx. And, then, maybe I will try  
5 to share my screen there and see if that would work.

6 But he can call back into the court -- hear through  
7 the court. Otherwise, he can hear you through my speaker, but  
8 the court reporter can't hear him.

9 MR. SASSAN (Via Telephone): I can hear everyone else,  
10 your Honor, including the court reporter. Am I still not being  
11 heard?

12 THE COURT: All right. Hold on.

13 Joene, can you hear Mr. Sassan sufficiently to record  
14 him?

15 THE CLERK: Very vaguely, Judge.

16 THE COURT: What is your preference?

17 I am sorry, hold on, Mr. Sassan.

18 What is your preference? Do you want to try to work  
19 around or do you want to see if we can proceed under the  
20 circumstances presented?

21 THE COURT REPORTER: Judge, I think we can try to  
22 proceed. I will interrupt if I cannot hear him.

23 If he can try to talk louder, it will come across.

24 THE COURT: All right.

25 MR. SASSAN (Via Telephone): I will talk as loud as I

1 can, your Honor.

2 THE COURT REPORTER: Oh, that is much better, Judge.

3 THE COURT: All right.

4 So, we need to speak loudly.

5 We also need to be hypersensitive to not interrupting  
6 each other.

7 All right. So, we are -- to re-orientate ourselves,  
8 we are -- here for a detention hearing.

9 Mr. Stewart and Mr. Taylor are present on the line.

10 Mr. Hunter is representing Mr. Stewart.

11 And Mr. Sassan is with Mr. Taylor.

12 Mr. Berry, it is the government's motion for  
13 detention. I will let you begin with general information  
14 related to the nature and circumstances of the offense.

15 We will then proceed to the 3142(f) factors, beyond  
16 that factor, as it relates to each individual defendant.

17 And, at that point, maybe Mr. Sassan can jump off of  
18 FaceTime and call in, since we won't need access to the video.

19 Mr. Berry, please continue.

20 MR. BERRY (Via Telephone): Thank you, your Honor.

21 I -- the government's position is that both defendants  
22 are a danger to the community and a risk of non- -- there is a  
23 high risk of non- -- appearance in this case.

24 Both defendants have been charged with an arson of a  
25 CTA van that took place back on May 30th of 2020.

1           The government has two -- well, there are three  
2       videos. The government is going to play two and talk about the  
3       third video.

4           Both counsel have seen the video. They are about to  
5       see the arson. And they have seen a Facebook video that comes  
6       from Mr. Lamar Taylor's Facebook account of them on their way  
7       downtown.

8           The arson, itself, I will start with the video 69:82,  
9       which is from a video from 351 South State Street.

10          That video focuses in on the CTA van, itself.

11          And where I want to start is -- and I will play it up  
12       to a certain point. So, I will play about four minutes of it,  
13       your Honor.

14          I want to start at seven minutes and 38 -- 7:38 and 30  
15       seconds.

16          I will try to coordinate this, so that everybody is  
17       kind of in the same spot.

18          And I understand it may be a little off, but about  
19       seven minutes -- excuse me, 7:38 and thirty seconds -- it is a  
20       -- I have paused it at this point. It is a picture of the CTA  
21       van with the back of the van open.

22          Mr. Denzal Stewart is standing there with a white  
23       T-shirt, a tank top, his hat turned backwards, and in some blue  
24       jean pants.

25          He is going to approach the back of the van and I will

1 play it from there.

2 You can see Mr. Stewart. He has -- his pants are  
3 sagging and he has -- kind of blue underwear that is showing.

4 There is a bunch of individuals that go to the van and  
5 they start to throw things out of the van.

6 Mr. Stewart runs away and the van is left, kind of,  
7 open for a while.

8 (Brief pause.)

9 MR. BERRY (Via Telephone): And I am pausing as the  
10 people are walking past the van. And parts of the van are  
11 open.

12 And individuals are approaching now. Not Mr. Stewart  
13 or Mr. Taylor.

14 They are going inside the van and they are taking  
15 things out of the van.

16 Mr. Stewart -- Mr. Denzal Stewart -- approaches. He  
17 picks up something. It looks like the thing that workers use  
18 to pick up garbage.

19 And at this point, he is trying to set a fire to the  
20 back of the van.

21 MR. HUNTER (Via Telephone): Could you pause one  
22 moment for my video to catch up? I am about thirty seconds  
23 behind you.

24 MR. BERRY (Via Telephone): Sure.

25 (Brief pause.)

1 MR. BERRY (Via Telephone): So, where I am, I am at  
2 7:39 and 35 seconds.

3 MR. HUNTER (Via Telephone): Okay. That is where I  
4 am.

5 MR. BERRY (Via Telephone): There is a slight flame  
6 that you can see inside the van.

7 Mr. Stewart is about to walk away.

8 I will hit "Play."

9 At this point, Mr. Stewart is going up.

10 And here comes Mr. Taylor in an orange Detroit Tigers  
11 T-shirt. And there, by the front door -- front open driver's  
12 side door of the van -- and they stay there for some time. And  
13 that is when the -- and we will go back to the Pritzker Park  
14 view, facing east, shows what is happening in the front door of  
15 that van.

16 Another individual, who we expect will be charged,  
17 comes and he attempts to light the box that is on the ground.

18 THE COURT: Mr. Berry, that is the gentleman in the  
19 pink hat?

20 MR. BERRY (Via Telephone): That's correct, your Honor.

21 THE COURT: Okay.

22 MR. BERRY (Via Telephone): And he is attempting now  
23 to light the yellow tarp that is in the back of the van.

24 That is the gentleman in the pink hat, yes, sir. And  
25 that is Mr. Lindsey.

1           Mr. Lindsey takes the fire extinguisher out.

2           Mr. Taylor gets out of the van and starts closing all  
3 of the doors.

4           At this point, we will see on the Pritzker Park East  
5 camera, you have got a slight flame that had engulfed -- had  
6 ignited -- in the front of the van.

7           THE COURT: And we will see that in the other video;  
8 is that right?

9           MR. BERRY (Via Telephone): That is correct, your  
10 Honor.

11          THE COURT: Okay.

12          MR. BERRY (Via Telephone): Mr. Lindsey peeks in the  
13 van, closes it and you can see the fire extinguisher in his  
14 hand.

15          Mr. Taylor takes some debris out, throws it to the  
16 ground.

17          Mr. Stewart runs away from the van.

18          At about 7:42 and 17 seconds, you will see Mr. Stewart  
19 come back over and pick up that brown box that is on the ground  
20 by the van and placed it in the driver's door.

21          Here he comes. He takes the box and puts it inside  
22 the driver's door and closes the door and leaves.

23          At about 7:42 and 57 seconds, you will see smoke from  
24 the CTA van.

25          An individual, who is Mr. Stewart, he has a mask on

1 his face this time, the same clothing, approaches the van and  
2 throws something else inside.

3 Here he comes. He picks up something.

4 There is smoke coming out of the van at this point.

5 He puts something else in and runs.

6 There is a woman that is recording.

7 You can see the smoke from the van and in a few  
8 seconds the van will go up in flames.

9 I am at 7:43 and 40 seconds and some flames are coming  
10 out of the window.

11 And flames are coming out of the side of the van at  
12 7:43 and 55 seconds.

13 And the rest of the video just continues along with  
14 the van burning and the Fire Department coming to exterminate  
15 the flames.

16 And it shows kind of the results when you get to the  
17 end of the video of the van being completely burned down.

18 So, that the arson in regards to that video, your  
19 Honor.

20 THE COURT: All right.

21 MR. BERRY (Via Telephone): If I may move the second  
22 video?

23 THE COURT: Yes, give me a second. I have got to get  
24 that one on.

25 (Brief pause.)



1 MR. SASSAN (Via Telephone): I do, too, Judge.

2 MR. BERRY (Via Telephone): And I understand.

3 (Brief pause.)

4 THE COURT: So, Mr. Berry, how do I get rid of -- oh,  
5 you told me just to bring in that other folder, right?

6 MR. BERRY (Via Telephone): Yes, sir.

7 THE COURT: Okay.

8 MR. BERRY (Via Telephone): And it should replace it.

9 THE COURT: And that is the Pritzker Park view; is  
10 that correct?

11 MR. BERRY (Via Telephone): Yes, sir.

12 THE COURT: Okay.

13 Mr. Hunter --

14 Give me a minute.

15 MR. BERRY (Via Telephone): I am going to start there.

16 THE COURT: Give me a minute.

17 Mr. Hunter, are you ready with that one?

18 MR. HUNTER (Via Telephone): Not quite yet. It says,  
19 "Initializing." So, I am hoping it will pop up shortly.

20 THE COURT: Okay. Tell us when you are ready.

21 Mr. Sassan, were you able to view, through the  
22 technology workaround we have set up, what Mr. Berry described?

23 MR. SASSAN (Via Telephone): Yes, your Honor. I am  
24 able to see it fine.

25 Thank you.

1 THE COURT: Thank you.

2 Mr. Hunter --

3 MR. HUNTER (Via Telephone): Judge, my video is now  
4 up.

5 THE COURT: Perfect.

6 Mr. Berry, please proceed.

7 MR. BERRY (Via Telephone): Yes, sir.

8 So, I am going to go -- I am going to start -- at  
9 about seven minutes -- excuse me. I keep saying, "Seven  
10 minutes" -- 7:31, so we can get to there.

11 THE COURT: All right. 7:31 even, correct?

12 MR. BERRY (Via Telephone): Yes, your Honor.

13 A little bit beyond 7:31 even.

14 THE COURT: Tell me when you are ready.

15 Mr. Hunter, are you ready?

16 MR. HUNTER (Via Telephone): I am ready, Judge.

17 THE COURT: All right.

18 Go ahead, Mr. Berry.

19 MR. BERRY (Via Telephone): Thank you, your Honor.

20 So, from about 7:31 even, you see a bunch of  
21 individuals over kicking out the Divvy bikes.

22 And understanding that this is a pre-arson -- before  
23 the arson -- but I think it goes to the defendant's  
24 characteristics.

25 Mr. Stewart comes over. Mr. Taylor comes over. And

1 you will see them kicking at the Divvy bikes, trying to get  
2 them out of their station, trying to get a free bike.

3 Mr. Stewart eventually gets a bike out and they give  
4 it to a woman that they are with.

5 At about 7:31:41, Mr. Stewart gets a bike. He is  
6 about to get on it. Mr. Taylor comes over, takes the bike,  
7 hands it off to a woman that they are with and they proceed  
8 about their way, continuing to try to get other Divvy bikes.

9 They -- Mr. Stewart and Mr. Taylor -- don't get  
10 another Divvy bike. So, I am going to pause. I am going to  
11 move forward, again, if I may, to about 7:40 -- exactly, 7:40.

12 THE COURT: Mr. Hunter, tell me when you are at 7:40.

13 MR. HUNTER (Via Telephone): I am there, Judge.

14 THE COURT: Okay.

15 Mr. Berry, proceed.

16 MR. BERRY (Via Telephone): Thank you, your Honor.

17 When we are at 7:40, it is a little tougher to see,  
18 but at this point Mr. Taylor, you can see his back by the  
19 driver's side door of the van. And Mr. Stewart is in front of  
20 him.

21 They are inside the driver's door of the van.

22 They walk away and, then, they go back.

23 As they go back to it, something is happening in the  
24 front of the van. They both jump -- they both are going to  
25 jump -- and, then, go back. And, then, you will see a flame in

1 the front of the van spark.

2 And I will -- understanding that the Court doesn't  
3 have where I am pausing, I will -- go back and I will call out  
4 the time on where I have paused, where you can see the flames  
5 from inside the van coming to light.

6 Give me one second.

7 (Brief pause.)

8 MR. BERRY (Via Telephone): So, when I pause, it is  
9 about 7:40 and 32 seconds -- .204 milliseconds. You can see  
10 there is a flame coming out of the front door of the van, where  
11 Mr. Stewart and Mr. Taylor are.

12 MR. SASSAN (Via Telephone): I am sorry. Could I have  
13 that time, again?

14 MR. BERRY (Via Telephone): Sure. 7:40:32.24.

15 MR. SASSAN (Via Telephone): If I could have a moment  
16 to get there?

17 MR. BERRY (Via Telephone): And if you pause --

18 THE COURT: Hold on. Give me a moment to 7:40:32,  
19 right?

20 MR. BERRY (Via Telephone): Yes.

21 And if you pause it, you can go frame by frame by  
22 hitting the back button.

23 THE COURT: Hitting the back button or the forward?

24 MR. BERRY (Via Telephone): Depending on which  
25 direction you want to go, you can go frame by frame backward or

1 frame by frame forward.

2 THE COURT: Okay.

3 Wait, let me get to 7:40:32.

4 MR. BERRY (Via Telephone): And, then, you can move  
5 slowly through and see the flames.

6 It is at its height at 7:40:32.17.

7 (Brief pause.)

8 THE COURT: Okay.

9 MR. BERRY (Via Telephone): Are you okay?

10 THE COURT: Mr. Hunter, are you are with us?

11 MR. HUNTER (Via Telephone): I am, Judge.

12 THE COURT: Okay.

13 Go ahead, Mr. Berry.

14 MR. BERRY (Via Telephone): And with those videos --  
15 those are the two videos, your Honor, that show the fire --  
16 show who set the fire.

17 You can see the fire. As you go through -- and I  
18 won't do it here, but you can go through -- the continuation of  
19 the video and they show the same. They show the van being set  
20 on fire, the van being engulfed in flames, and that van is  
21 totally destroyed. And it is by Mr. Taylor, Mr. Stewart and  
22 Mr. Lindsey.

23 THE COURT: All right.

24 MR. BERRY (Via Telephone): Now, there was a third  
25 video that the government presented. And that video was --

1 that the government gave to all parties; and, I believe, all of  
2 the parties have viewed the video. That is video from Mr.  
3 Lamar Taylor's Facebook page. It is titled, "Buddaball On His  
4 Way Downtown."

5 "Budda" is spelled B-u-d-d-a.

6 In that video, Mr. Taylor is in the front seat wearing  
7 the same clothing as the individual that sets the fire. And  
8 Mr. Stewart is in the back seat wearing the white tank top and  
9 a hat.

10 When the video first comes on, Mr. Taylor is wearing a  
11 mask and he is wearing some plastic gloves.

12 And Mr. Stewart is in the back.

13 Mr. Taylor eventually takes his mask off. So, we know  
14 it is him.

15 And Mr. Taylor -- Mr. Stewart -- his face is very  
16 visible in the camera. We know that is him, also.

17 Additionally, Mr. Taylor calls the person in the  
18 backseat "Denzal" at least, from my count, about seven times  
19 throughout this.

20 The reason we present this, your Honor, is that as  
21 part of the charge is that the defendants maliciously caused  
22 this fire. And I don't think this is outside of the bounds of  
23 that day.

24 That day, there was a protest going on that day, and  
25 it can be seen in the video that there are many people that are

1 downtown protesting.

2           These defendants didn't come downtown to protest.

3 Their video clearly states that.

4           Mr. Taylor is on FaceTime talking to, I don't know,  
5 how many followers, but as many people as he possibly can. And  
6 he said -- and I will quote -- "I'm setting to go down here and  
7 get busy, like everyone else. I'm just trying to hit a lick.  
8 I'm trying to get down, like everybody else. I'm trying to get  
9 that \$50,000 Rolex. I'm going to be the one to throw a brick  
10 through that bitch. We in there."

11           He said, you know, to his cousin in the back, "I got  
12 my girl driving. You ready, ain't you?"

13           And she says, "Yeah, yeah," she's ready.

14           And it is my position that that girlfriend is Ms. Lee,  
15 who is his proposed third-party custodian.

16           He says, "You all come down there. Get some of this  
17 free shit. I'm really going down there for the bullshit. I'm  
18 going to be on video doing some shit, 12, so the police are  
19 going to pull up right to my crib."

20           MR. HUNTER (Via Telephone): Judge, I would object to  
21 any of these statements being considered for Mr. Stewart. This  
22 was all Mr. Taylor's words.

23           MR. BERRY (Via Telephone): Understood. And I am not  
24 proposing that that is Mr. Stewart that is saying this. Mr.  
25 Taylor is saying it.

1           And in the background, there are times throughout the  
2 video where Mr. Stewart is saying, "Yeah, yeah, yeah."

3           And I will get to some of the words that Mr. Stewart  
4 says in a minute.

5           Mr. Taylor also says, "I'm on my way downtown to go  
6 protest."

7           So, when he does that, he makes it -- he makes it --  
8 known that he is not really going to protest, as he puts his  
9 fingers up for air quotes to let everybody know he is going  
10 down there to protest.

11           He shows his face. He shows that he is on his way  
12 downtown to film the same day.

13           He tells his cousin in the back, "Denzal, I'm telling  
14 you don't stop running."

15           Mr. Stewart says, "I already know."

16           They talk about how to get there.

17           Mr. Taylor says, "Taking Lake Shore Drive will bring  
18 us by all those stores. That's all I give a fuck about."

19           Mr. Stewart is in the back. He says, "I'm trying to  
20 hit a jewelry store."

21           Mr. Taylor says, "I'm going to hit anything they got  
22 open, Burberry or anything."

23           At least two times he says he's going to protest with  
24 the air quotes.

25           And Mr. Stewart -- Mr. Taylor -- says that he is going



1 down there to, "act and ask."

2 He also says, you know, "came down with gloves and  
3 masks."

4 And he said, "I came down -- we came down -- we came  
5 down here ready to catch a motherfucking case and I don't give  
6 a fuck."

7 Your Honor, based off of the video, then, I won't go  
8 into what another video says because I haven't presented those.  
9 The government feels that the nature and circumstances of this  
10 crime are strong. There is an arson that is taking place in  
11 the midst of all of these protesters.

12 And I will admit -- and it is true, you will see in  
13 the video -- once the van fire starts, no one goes near that  
14 van.

15 And, thankfully, no one was around when the van went  
16 off a couple of times.

17 There were a couple of what seemed, like, mini-  
18 explosions. So, no one was hurt.

19 And no one went around the van went around the van  
20 because they saw that the van was lit.

21 But those actions placed the public in high danger.

22 Not knowing what else was in there, whether the van  
23 was going to blow or whether it was just going to be a regular  
24 fire, the defendants did not know that and they placed the  
25 public at a high danger at that point.

1           Additionally, your Honor, the strength of the  
2 evidence. The government has video. The video shows the  
3 defendants setting the fire from different angles.

4           And there is also other video that shows the  
5 defendants' arrest to the day.

6           Mr. Taylor has a Facebook video in the same clothes,  
7 the same items, of him -- the same clothes, excuse me -- on the  
8 same day.

9           The defendant, Mr. Stewart, going downtown, not to  
10 protest, but to cause some trouble. Trouble that they did when  
11 they started the fire.

12           So, we believe that the circumstances are -- it's a  
13 very violent crime. The circumstances are very harsh. And  
14 that there is a -- that we have a strong case and there is a --  
15 high weight of the evidence.

16           I will go individually at this point. I will --

17           THE COURT: Let me interrupt you, Mr. Berry.

18           So, before we leave here, let's -- I am going to give  
19 Mr. Hunter an opportunity and, then, Mr. Sassan; and, then, we  
20 will break off into each individual defendant under other 3142  
21 factors.

22           So, right now, Mr. Hunter and Mr. Sassan, I am focused  
23 on the nature your and circumstances of the offense and the  
24 strength of the government's evidence, keeping in mind that the  
25 defendants are always presumed innocence.

1           But, as you both know, Congress has allowed courts to  
2 consider the strength of the evidence in making detention  
3 decisions.

4           So, Mr. Hunter, I will start with you.

5           Is there anything you want to explore about those two  
6 factors as they relate to the evidence presented by the  
7 government today?

8           MR. HUNTER (Via Telephone): Yes, Judge.

9           First, I would like to highlight the fact that case  
10 law makes it clear that the weight of the evidence is the least  
11 important factor.

12           That said, I would say that the State's interpretation  
13 of the videos, I don't share.

14           With respect to the first video where counsel -- or  
15 Mr. Berry -- claims that you see my client lighting a flame by  
16 the back of the van, I have seen this video three times. I  
17 don't see that anywhere. I just saw it just now. I don't see  
18 that anywhere.

19           I believe he says at 7:43:55, "You see flames at the  
20 back of the van."

21           The only flames you see is when the person in the pink  
22 hat, who he has identified as Lindsey, is lighting it.

23           In addition, the video isn't a close-up. You don't  
24 know who that person is.

25           What Mr. Berry wants to say is because somebody who

1 had the same type of ball cap -- and I would submit that it is  
2 a very common ball cap -- and a sleeveless T-shirt, which is  
3 what, in the Facebook video my client is wearing, because  
4 somebody else has a common ball cap and a common T-shirt, that  
5 must be the same guy.

6 But I don't think that they have established, first,  
7 that Mr. Stewart isn't the person in the videos.

8 And, then, the person who Mr. Berry claims is the  
9 person in the videos, never lights any flames with respect to  
10 the video where Mr. Stewart -- the alleged Mr. Stewart -- who  
11 they haven't established -- and the alleged Mr. Taylor, are by  
12 the front of the van and, then, he says, "You see flames?"

13 You see something flash briefly; but, if you continue  
14 to play the video, what you don't see is the van bursting into  
15 flames.

16 In fact, Mr. Taylor -- or the person he claims is Mr.  
17 Taylor, the person in the orange shirt -- goes into the van  
18 after that moment.

19 Now, why on Earth would somebody go into a fire?

20 I submit to you that that wasn't the fire, that  
21 Mr. Taylor -- or the present alleged to be Mr. Taylor --  
22 wouldn't go into a burning van.

23 And, then, there is a later point in time where Mr.  
24 Berry has lumped the alleged Mr. Taylor and the alleged Mr.  
25 Stewart together.

1           But, in fact, the person in the orange shirt is in  
2   front of the person that Mr. Berry claims is my client. And  
3   he's in the van.

4           My client is just -- if it is my client; and, I don't  
5   think that has been established -- that person is simply  
6   standing there.

7           THE COURT: All right.

8           MR. HUNTER (Via Telephone): In addition, with respect  
9   to the Facebook video -- I'm sorry?

10          THE COURT: Well, let me stop you there, Mr. Hunter.

11          So, one, you don't disagree that the van eventually is  
12   engulfed in flames, correct?

13          MR. HUNTER (Via Telephone): I do not. I do not.

14          THE COURT: Okay.

15          So, you agree at some point a fire was started to the  
16   van?

17          MR. HUNTER (Via Telephone): Yes.

18          THE COURT: Okay.

19          And as far as the details of what happens, again, for  
20   trial purposes, will be explored in much greater detail; but,  
21   for our purposes here today, the person the government believes  
22   to be Mr. Stewart, you agree that he went back with the  
23   cardboard and placed that in the front part of the van,  
24   correct?

25          MR. HUNTER (Via Telephone): I would agree with that.

1           THE COURT: And you agree cardboard is a combustible  
2 item, correct?

3           MR. HUNTER (Via Telephone): Cardboard will burn, yes.

4           THE COURT: And that soon thereafter, there is smoke  
5 emanating from the van and, then, flames?

6           You agree with all of those things?

7           Again, not agreeing that it is Mr. Stewart, but --

8           MR. HUNTER (Via Telephone): Yes.

9           THE COURT: -- you agree all of those things happened?

10          MR. HUNTER (Via Telephone): Yes.

11          THE COURT: Okay.

12          Go ahead, Mr. Hunter.

13          MR. HUNTER (Via Telephone): Well, I think you have  
14 summarized what could reasonably be claimed based on these  
15 tapes.

16          And, then, they go into a bunch of statements made by  
17 Mr. Taylor.

18          You know, I didn't hear my client saying, "Yeah, yeah,  
19 yeah."

20          And he doesn't say much, in my opinion.

21          And, then, with respect to the high danger,  
22 Mr. Berry's own words show that this is pure speculation. He  
23 keeps saying they didn't know what was in the van. Okay?

24          Well, then, if they don't know what is in the van,  
25 then how can he say it is a high danger?

1 I mean, yes, the van burned. A fire -- if you play  
2 the whole video, you see a fire truck come and they hose down  
3 the van and it is put out.

4 Nobody is near the van. The van doesn't blow up.  
5 Nobody is in any danger at any point in time.

6 I would say the people who might arguably be said to  
7 be in danger are the people who Mr. Berry is charging with  
8 crimes.

9 And, then, there are other people who were taking  
10 items -- stealing items -- out of the van. So, I don't think  
11 that he can say the public was in danger and, yet, say that the  
12 people are all breaking the law. It wouldn't be the public.  
13 It would just be the people who were looting the van.

14 THE COURT: All right.

15 MR. HUNTER (Via Telephone): And I still don't see how  
16 that can be a danger.

17 In addition, Judge --

18 THE COURT: Well, let me stop you there, Mr. Hunter.

19 MR. HUNTER (Via Telephone): Okay. Sure.

20 THE COURT: Let me stop you there.

21 The vans -- as of today, the vans -- still run on  
22 gasoline, correct?

23 MR. HUNTER (Via Telephone): Yes.

24 THE COURT: And the fire set to a vehicle that has  
25 gasoline in it poses an inherent danger; does it not?

1           MR. HUNTER (Via Telephone): I would not concede that,  
2 Judge.

3           THE COURT: Okay.

4           All right. Reasonable minds can differ on that.

5           Go ahead.

6           MR. HUNTER (Via Telephone): Well, so, you know, I see  
7 why the government wants to start with, you know, the weight of  
8 the evidence because the rest of the case cries out for a bond.  
9 But we are not at that point.

10           Is that my understanding?

11           THE COURT: That is correct.

12           MR. HUNTER (Via Telephone): Okay.

13           Well, I would submit to you that whoever the person in  
14 the pink hat is, is the one that lit the van on fire, not my  
15 client.

16           And if what they have is, supposedly, my client  
17 putting the cardboard box into the van, I would submit that the  
18 van would already be full of flammable material and that that  
19 had a marginal effect on the arson.

20           THE COURT: All right. Thank you.

21           Mr. Sassan, anything as to the nature and  
22 circumstances of the offense or the government's strength of  
23 the evidence?

24           MR. SASSAN (Via Telephone): Thank you, your Honor.  
25 Yes.



1           In large part, I would repeat Mr. Hunter's argument  
2     regarding identification.

3           The identification is based on a shirt -- the color of  
4     a shirt -- and, then, the video on the way down from my  
5     client's Facebook -- or from a Facebook -- page, with a similar  
6     short shirt.

7           The other point, your Honor, is in the first video we  
8     saw Mr. Taylor -- and I am going by my recollection, but  
9     Mr. Taylor was not present in there. It was only -- well, only  
10    to where you could -- well, let me go back.

11          The individual alleged to be Mr. Taylor wasn't present  
12    in that first video other than the person alleged to be  
13    Mr. Taylor walking to the front.

14          And, as the government mentioned, the first video does  
15    not show what was happening when that person went to the front  
16    door.

17          I would submit that the second video is not  
18    conclusive, either, that those two individuals by the front  
19    door, one of which was alleged to be Mr. Taylor, started the  
20    fire.

21          There was, as stated, a person in a pink cap that  
22    seemed to light something from the back. And there is no --  
23    the video doesn't demonstrate whether those two people by the  
24    driver's side door were merely taking things out or starting --  
25    or if what seems to be a flame is the result of what the person

1 in the pink cap started from the back.

2 Now, the other point being the Facebook video of my  
3 client on the way down, I would submit, your Honor, that, in  
4 large part, you know, people -- that you have to take what  
5 people are saying with a grain of salt on Facebook, you know,  
6 in terms of whether it is really intended that they are going  
7 to do that.

8 But even if you were to consider what was stated on  
9 the Facebook page as something that was intended, I would say  
10 nothing that was stated had anything to do with starting  
11 anything on fire. It did have something to do with potentially  
12 stealing things.

13 And if that were true that would be consistent with  
14 the two individuals by the driver's door taking stuff out of  
15 the van, but not starting on fire.

16 The other point on the Facebook video is this, your  
17 Honor. On that page, on the same day, there is two additional  
18 video screens of Mr. Taylor and the group of people that he was  
19 with down there, who are merely standing on the street  
20 observing the protests and the different activity and the  
21 different actions.

22 And, in that, they seem to be focusing at one point --  
23 it looks like they are on Michigan Avenue looking towards  
24 Wacker Drive and the river -- and commenting on what seems to  
25 be some activity that could turn violent. And you hear them

1 say that they don't want to get anywhere near that.

2 So, I would say that the two videos that are posted  
3 after the drive down would support the position that,  
4 basically, on the video on the way down, my client was kind of  
5 bragging or talking himself up, but not really intending to do  
6 that. Because in the next two videos, they are not getting  
7 involved.

8 And, in fact, they state that they don't want to go  
9 anywhere near what appears to be, you know, kind of a violent  
10 or a, for lack of a better term, kind of a hot area of the  
11 protest that day.

12 And, so, I would submit those arguments on behalf --  
13 in terms of this portion of the hearing, on behalf -- of  
14 Mr. Taylor, as to both the strength of the case, in terms of  
15 whether he started or had anything to do with starting that van  
16 on fire, as -- with his identification and, actually, starting  
17 it, as well as his intention going downtown, based on the two  
18 videos that the government did not discuss from that same  
19 lineup -- I am sorry, from that same day -- after he and his  
20 group were downtown and watching the protest.

21 THE COURT: All right.

22 Thank you. Mr. Sassan.

23 All right, Mr. Berry, please now turn to Mr. Stewart,  
24 as far as other 3142 factors; and, then, Mr. Hunter, I will  
25 hear from you.

1 MR. BERRY (Via Telephone): Thank you, your Honor.

2 I agree with Pretrial, in the case of Mr. Stewart, and  
3 recommend detention -- and their recommendation of detention --  
4 that there is no combination of conditions to reasonably assure  
5 his appearance and the safety of others in the community.

6 By my count, Mr. Stewart already is a Category VI  
7 offender at the age of 24.

8 He -- it seems like he -- has about 15 criminal  
9 history points. And I will start here.

10 He was on parole when he committed this offense. His  
11 parole didn't end until -- give me one second, your Honor; let  
12 me get the exact date -- until October 28th, 2020. It seems  
13 that that was, from Pretrial's report, that was his discharge  
14 date from parole.

15 This happened in May -- May 30th of 2020.

16 So, while he is out there, whether the Facebook video  
17 is correct, that he is just going down there to steal some  
18 stuff or he is going down there and he wound up setting this  
19 fire, which he did, he did this while he was on parole. And  
20 that gives him two points.

21 He has a residential burglary conviction; two  
22 possession of stolen motor vehicle convictions; and, a plea to  
23 a misdemeanor for obstructing and resisting.

24 And the one that I left out is escape. He was on bond  
25 in State Court on electronic monitoring and a warrant was

1 issued for him and he was charged and pled to escape, where he  
2 got two years of incarceration in the Illinois Department of  
3 Corrections.

4 This defendant will not show up to court.

5 On his first arrest, when he had 30 months' probation,  
6 he had four violations of probation. Two times he didn't show  
7 up to court. It resulted in a termination of his probation,  
8 where he got four years' IDOC custody.

9 His Pretrial is littered with warrants and  
10 non-appearances.

11 And I would say that the escape conviction, in and of  
12 itself, shows that he is a danger of not showing up to court.

13 Additionally, with regard to the video I would just --  
14 Mr. Hunter said that he is not a danger to the public because  
15 no one was around the van.

16 The fact that no one went around the van was smart for  
17 the public because the van was on fire.

18 While the van was smoking and before it was on fire,  
19 this is in the middle of a protest where you see hundreds of  
20 people walking there on the street. And they decide to set the  
21 van on fire.

22 That is a danger to the public, in and of itself.

23 And, so, I would stand with that, your Honor, and I  
24 would say that there is no conditions or set of conditions that  
25 would assure -- reasonably assure -- Mr. Stewart's appearance

1 in court and the safety of the community.

2 THE COURT: All right.

3 Thank you, Mr. Berry.

4 Mr. Hunter, I will say, candidly, I am interested,  
5 when you said that this case screams for bond, I spent a good  
6 amount of time reviewing both of these reports; and, as an  
7 experienced defense attorney, I am surprised you have that view  
8 because Mr. Stewart's background is very disturbing.

9 So, explain to me why this screams for bond.

10 (No response.)

11 THE COURT: Mr. Hunter?

12 (No response.)

13 MR. HUNTER (Via Telephone): Sorry, Judge. I was  
14 muted.

15 THE COURT: That is all right.

16 MR. HUNTER (Via Telephone): Let me give you a little  
17 background on Mr. Stewart, to begin with.

18 He is a 24-year-old young man who lives with his  
19 mother, Renee Stewart. He has three young children with whom  
20 he is very close.

21 He has lived in the Chicago area his whole life,  
22 except for one year when he was 5 or 6 and he lived with his  
23 grandma in Indianapolis.

24 His immediate family, which includes his mother and  
25 two sisters, live in Chicago. His girlfriend lives in Chicago

1 and his children live in Chicago.

2 He has dreams of being a truck driver and is scheduled  
3 to begin truck driving school at CR England Truck Driving  
4 School, 600 Belle Park Road, Valparaiso, Indiana, on March 8th  
5 of 2021.

6 He also hopes to acquire a GED.

7 Now, while he does have four felony convictions, these  
8 convictions happened when he was 17, 18 and 20. And I would  
9 submit to you that people in their teens are more prone to  
10 irresponsible behavior.

11 His crimes, none of them involve violence. They are  
12 all property crimes: A burglary, two PSMVs and an escape.

13 And I would just like to say, Judge, with respect to  
14 "escape," that meant he was on electronic monitoring and he  
15 didn't come to court.

16 You can be charged with escape for electronic  
17 monitoring if you go out into the alley to smoke a cigarette  
18 and a box alerts. It doesn't take much to be "escape."

19 You know, I am sure that Mr. Berry wants to paint the  
20 picture of him fleeing to Utah or something, but he never left  
21 the jurisdiction. And now that he is 24-years-old, he is more  
22 responsible and more likely to appear.

23 I would like to highlight the fact that under  
24 3142(e)(2) and (e)(3), this is not a presumption of detention  
25 case. The presumption should be for release.

1           The government has the burden to show -- and it is  
2 reasonable to show -- that there are no conditions, none, that  
3 will work to protect the public and ensure my client's  
4 appearance in court.

5           Now, all you need to release my client is a reasonable  
6 assurance, not a certainty, that my client will comply with  
7 your conditions.

8           There are a great -- a great -- number of conditions  
9 that I will address momentarily, but, first, I want to talk  
10 about the Pretrial Services report.

11           The Pretrial Services report and its recommendation  
12 are deeply flawed and I don't think you should put much weight  
13 in them.

14           First, it relies on a substance abuse history; but,  
15 according to the report, itself, that history is extremely old.

16           Mr. Stewart reported that he received treatment in  
17 2013, eight years ago. There is no evidence of current drug  
18 abuse.

19           Lack of verifiable employment was listed. He actually  
20 told Pretrial Services that he was about to enroll in truck  
21 driving school. So, why would have he have a job if he is  
22 about to start school?

23           To use the fact that he is pursuing an education  
24 against him to try to detain him is unfair and unjust, to put  
25 it mildly.



1           Now, I would note that 3142(g) does allow the Court to  
2 consider my client's mental health history, but there seems to  
3 be this misunderstanding by most Pretrial Services officers  
4 that if somebody reports that they have a mental health issue,  
5 that they should be detained.

6           That is not what the law says at all.

7           The reason you should consider his mental health  
8 history is if you want to make counseling or treatment part of  
9 the conditions of his release, or something like that.

10           But the fact that he has a Bipolar Disorder doesn't  
11 prove -- establish -- somehow that he is a danger to the  
12 public. And I don't think that that is an appropriate reason  
13 to lock somebody up.

14           Finally, the Pretrial Services report cites a pattern  
15 of similar criminal activity. That is just false. His prior  
16 crimes are property crimes. There is nothing, like, an arson  
17 in his background. There is no violence in his background.

18           The fact that there is no violence in his background  
19 shows that the public is not a danger.

20           Now, even if we want to assume, for the sake of  
21 argument, that he is the person in the video -- and I don't  
22 think that has been established, but just for the sake of  
23 argument -- the only thing that video shows him doing, if it is  
24 him, is throwing a cardboard box through a van window.

25           You can't even tell if he knows that the van is on

1 fire at that point.

2 But nobody is around.

3 Mr. Berry mentioned hundreds of protesters in the  
4 street. You don't see any protesters. You see looters in that  
5 video. You don't see any protestors. And certainly not  
6 hundreds.

7 A few people are on that video. Those people are  
8 either trying to take things from it or light it on fire.

9 And, then, they all leave.

10 So, the danger element certainly hasn't been  
11 established.

12 With respect to the (g) factors, it was the George  
13 Floyd -- it was the day -- or what was going on that day, it  
14 was a response to George Floyd.

15 Now --

16 THE COURT: Mr. Hunter? Mr. Hunter?

17 MR. HUNTER (Via Telephone): Yes, sir.

18 THE COURT: Respectfully, please don't use your time  
19 for that because --

20 MR. HUNTER (Via Telephone): Okay.

21 THE COURT: -- what was shown had nothing to do with  
22 George Floyd.

23 You may say, "It is not my client." That is fair for  
24 you to take.

25 MR. HUNTER (Via Telephone): Uh-huh.

1           THE COURT: To say whoever is in that video is  
2 protesting anything socially constructive, I am not buying that  
3 argument.

4           MR. HUNTER (Via Telephone): Well, I am glad to hear  
5 that because --

6           THE COURT: Maybe somebody someone else will, but I am  
7 not going to.

8           MR. HUNTER (Via Telephone): I am glad to hear that  
9 because Mr. Berry seemed to suggest that there were a bunch of  
10 peaceful protesters around the burning van. And I just don't  
11 think that is the case.

12           THE COURT: Well, the Court will take judicial notice  
13 that on that day there were protests regarding George Floyd.

14           The issue is the people involved in this conduct, that  
15 the government is showing, were they involved in First  
16 Amendment activity or were they involved in something else?

17           I am not saying --

18           MR. HUNTER (Via Telephone): I am not arguing --

19           THE COURT: Mr. Hunter?

20           MR. HUNTER (Via Telephone): I'm sorry.

21           THE COURT: I am sorry.

22           Mr. Hunter, one of our ground rules were we need to be  
23 very mindful of the court reporter.

24           I am not going to entertain argument from anyone that  
25 the conduct that is shown on the video has anything to do with

1 protests related to socially-conscience issues. That is not  
2 what I am going to entertain. And if you find that erroneous,  
3 you can take that up with someone else.

4 MR. HUNTER (Via Telephone): Judge, that is not my  
5 argument. You misunderstood my argument. Can I please  
6 clarify?

7 THE COURT: Sure.

8 MR. HUNTER (Via Telephone): Okay.

9 What I am arguing is the events of that day are not  
10 going to be repeated. There was a social unrest that day.

11 That is not going to happen tomorrow or the next day  
12 or the next day. And, therefore, the danger to the public is  
13 minimal.

14 But I would like to move on to some of the other (g)  
15 factors. The fact that my client is a lifelong resident of  
16 Chicago; that he has strong family ties to the community; that  
17 his mother, girlfriend and three small children and sisters  
18 live here; that he only has property crimes in his background;  
19 that the government, obviously, didn't think he was too big a  
20 danger, since they didn't arrest him for months and months;  
21 and, that all of those factors, I think, show that he, with the  
22 proper conditions, could be released.

23 Now, some of those conditions include being a third-  
24 party custodian.

25 The Pretrial Services report says that his mother, who

1 appears, from my reading of her background, to be a very  
2 suitable third-party custodian, is willing to serve.

3           You could order that he maintain his education of the  
4 truck driving school; requiring him to pursue a GED; you could  
5 put him on electronic monitoring and/or curfew; and, if you  
6 have any concerns about him currently using drugs, you could  
7 order drug testing.

8           If you applied all of those conditions, given that the  
9 only allegation of violence in his background is this case, I  
10 think that you could be reasonably assured that they -- the  
11 public -- would be safe and that my client will come to court.

12           THE COURT: All right.

13           Anybody further, Mr. Hunter?

14           MR. HUNTER (Via Telephone): No, Judge. Thank you.

15           THE COURT: All right.

16           I am going to make my findings first to Mr. Stewart;  
17 and, then, we will turn to Mr. Taylor.

18           As to the issue of danger to the community, the  
19 government needs to present clear and convincing evidence to  
20 justify detention. I find the government has done that.

21           As far as risk of flight, it is a preponderance of  
22 evidence. I find the government has done that.

23           I will make an oral reasoning now and we will also  
24 issue a written order.

25           My read of the statute concurs with Mr. Hunter. I do

1 not think this is a presumption case.

2 Mr. Berry, do you disagree or agree with that?

3 MR. BERRY (Via Telephone): I agree with you, your  
4 Honor.

5 THE COURT: All right.

6 Next, I look at the statutory considerations, keeping  
7 in mind that nothing I say here should suggest that the  
8 defendant's presumption of innocence does not continue today,  
9 throughout the criminal proceedings, until a jury decides  
10 otherwise or there is a guilty plea.

11 First, the offense is a serious offense.

12 There has been some discussion about the nature of  
13 this offense and whether or not the public was at risk.

14 I agree with the government that the public was at  
15 risk. The fact that no one got hurt is just happenstance. But  
16 setting fire to a van, that, one, is run by gasoline; and, two,  
17 is a service van for the CTA and can contain and may have  
18 contained all sorts of flammable containers, put the  
19 government -- I am sorry, put the public -- at potential risk.

20 Therefore, I find the offense, both the nature and  
21 circumstance and the general offense of arson, are serious  
22 offenses.

23 The weight of the evidence against the defendant I  
24 find is substantial and, therefore, weighs in favor of  
25 detention.

1           The defendant's character weighs strongly in favor of  
2 detention.

3           While Mr. Hunter vigorously argues about the nature of  
4 defendant's prior convictions being property offenses, that  
5 does not change the fact that the defendant has multiple felony  
6 convictions, and while he was placed on various form of  
7 release, including probation and parole, was unable to follow  
8 those conditions.

9           There is, unfortunately -- and I say this very  
10 mindfully, there is -- nothing in the defendant's background  
11 that suggests he is of good character.

12           He is a young man. Mr. Hunter tries to distance his  
13 criminal conduct from his current age. But, in fact, these all  
14 happened -- he is only 24 years old; he is a young man and  
15 these all happened -- in his late teens and 20s, which is not a  
16 far distance from where he is now.

17           The defendant's physical condition weighs in favor of  
18 release.

19           Mr. Hunter made the point that defendant's mental  
20 condition should not be used to detain him.

21           I think Mr. Hunter has a valid point, that someone who  
22 has a mental health condition and is seeking treatment or  
23 receives treatment should not be detained because of that.

24           However, that is not the situation presented here.  
25 Mr. Stewart has been diagnosed with Bipolar Disorder in 2009;

1 but, according to his mother, he is not being currently treated  
2 for that condition.

3 That leaves a question in my mind as to the status of  
4 his mental health. Not that it is not perfect -- I agree with  
5 Mr. Hunter -- but whether it is being properly treated.

6 Therefore, his mental health condition weighs in favor  
7 of detention because it is not being currently treated, based  
8 on what we know.

9 Defendant's family ties I find neutral.

10 Mr. Hunter is correct. The defendant has family here.  
11 He had a close relationship with his mother. However, the  
12 Pretrial Service report also indicates that he has three  
13 children.

14 The defendant says he maintains daily contact with his  
15 children.

16 The defendant's mother, however, stated that her son  
17 is single with only one child that resides in Chicago.

18 Therefore, I have questions about how well his mother  
19 knows about her own son's family connections.

20 I find family ties are neutral.

21 The defendant's employment history weighs in favor of  
22 detention.

23 Mr. Hunter raises a point that the defendant was  
24 seeking at CDL; and, therefore, increasing his education; and,  
25 therefore, his lack of employment should not be held against



1 him.

2 I don't agree with that argument. Many people are  
3 employed; and, then, in their employment, they then decide they  
4 are going to seek higher education or technical training or  
5 some type of other enhancement to their skill set. And they  
6 may stop working once they enter a new program.

7 But Mr. Stewart doesn't have any employment history to  
8 speak of. It weighs in favor of detention.

9 The Court generally does not consider a defendant's  
10 lack of financial resources as a factor weighing in favor of  
11 detention, as this would allow the Court to detain someone  
12 based on their poverty, which the Court does not consider an  
13 appropriate application of the law.

14 The defendant's length of residence in the community  
15 and his community ties weigh in favor of release.

16 The defendant's history relating to drugs or alcohol  
17 abuse is concerning.

18 He has indicated that he has been ordered to  
19 participate in drug programs. I am not sure where that stands.  
20 I find it a neutral factor in this case.

21 Again, defendant's criminal history weighs strongly in  
22 favor or detention for the reasons I have already explained.

23 Mr. Berry raises the issue of the defendant's history  
24 of appearing in court.

25 His history of both appearing in court and complying

1 with conditions of release is very poor. I find that factor  
2 alone meets the government's burden of showing, by a  
3 preponderance of the evidence, that he is a risk of flight.

4 I don't find any particular seriousness of danger to  
5 an individual in the community. So, that factor is not  
6 applicable.

7 Finally, the charged offense occurred while defendant  
8 was on parole, which is a statutorily identified factor  
9 weighing in favor of detention.

10 In summary, those factors, as explained, weighs  
11 strongly in favor of detention. It meets the government's  
12 burden of clear and convincing evidence of danger to the  
13 community, and preponderance of the evidence as risk of flight.

14 Mr. Hunter proposes, and the Court must consider,  
15 alternatives to detention. The fact of the matter is, is that  
16 the defendant was on parole and has a history of being on  
17 parole or probation and committing other offenses, that lead to  
18 felony convictions.

19 Pretrial Services, while they are very committed law  
20 enforcement officers, there is nothing about this situation  
21 that makes me think the outcome would be different.

22 Mr. Stewart has failed to comply with the conditions  
23 of release in the past.

24 Even while he was presumably supervised by state  
25 probation officers and state parole officers, they were unable

1 to keep Mr. Stewart from violating conditions.

2 I see no reason why electronic monitoring, coupled  
3 with the talents of Pretrial Services here, would result in any  
4 different outcome.

5 For those reasons, I find there is no condition or  
6 combination of conditions that would satisfy this Court that  
7 the defendant will appear and not be a danger to the community.

8 I am going to order the defendant detained.

9 As I said, we will be issuing a written order.

10 Mr. Berry, do you want me to make a further record of  
11 my finding here?

12 MR. BERRY (Via Telephone): This is Albert Berry.

13 No, your Honor.

14 THE COURT: Mr. Hunter, do you want me to a make a  
15 further record of my finding here?

16 MR. HUNTER (Via Telephone): No, thank you, Judge.

17 THE COURT: Thank you.

18 And thank you for your argument.

19 Next --

20 THE DEFENDANT STEWART (Via Telephone): Judge, Judge,  
21 this is Mr. Stewart.

22 Isn't there anything I could say?

23 THE COURT: You can talk to Mr. Hunter.

24 Mr. Hunter, would you want your defendant -- your  
25 client -- saying anything?

1 MR. HUNTER (Via Telephone): I do not.

2 THE COURT: All right.

3 Mr. --

4 THE DEFENDANT STEWART (Via Telephone): Mr. Hunter, I  
5 have things to say.

6 I was not on parole when nobody -- when this case  
7 occurred. So, I don't know what is going on.

8 THE COURT: For the record, the Court is relying on a  
9 Pretrial Service report, Page 8: "According to IDOC records,  
10 the defendant's status is noted as bond, and discharge date is  
11 currently pending."

12 The report continues, "There is a discharge date of  
13 October 28th, 2020."

14 THE DEFENDANT STEWART (Via Telephone): Well, I am  
15 just trying to finish my school education, your Honor. I'm  
16 trying to just -- I'm trying to better myself.

17 I have been out of jail for a year, four months.

18 MR. HUNTER (Via Telephone): Judge, I could certainly  
19 investigate the accuracy of that.

20 May I inquire if it turns out he is not or was not on  
21 parole, would that change your ruling?

22 THE COURT: No, it will not.

23 THE DEFENDANT STEWART (Via Telephone): But I've been  
24 out of jail for a year and four months. I've been doing good.  
25 I've been working. I've been working at Red Snapper in Hyde

1 Park.

2 THE COURT: All right.

3 Mr. Stewart, I am sorry you disagree with my  
4 conclusion, but that is my conclusion.

5 Mr. Berry, please turn now to Mr. Taylor.

6 THE DEFENDANT STEWART (Via Telephone): Isn't there  
7 nothing I can do, man? I'm trying to get home to my family.

8 You're all trying to keep my away from my family, your  
9 Honor.

10 THE COURT: Mr. Stewart, please stop talking so  
11 Mr. Berry can continue with the hearing.

12 THE DEFENDANT STEWART (Via Telephone): I understand.

13 MR. BERRY (Via Telephone): Thank you, your Honor.

14 In regards to Mr. Taylor, the government also agrees  
15 with Pretrial's recommendation for detention, that there is no  
16 combination of conditions that can reasonable assure the  
17 defendant's appearance and the safety to the community.

18 I will stand on the record the same arguments I have  
19 made with regards to the danger to the community for the arson  
20 for Mr. Stewart. I make those same arguments with Mr. Taylor.

21 If your Honor is okay with that, I just won't restate  
22 those arguments, again.

23 Is that okay?

24 THE COURT: That is fine with me. Thank you.

25 MR. BERRY (Via Telephone): Thank you, your Honor.

1           With regard to the defendant's history and  
2 characteristics, I will start with the Pretrial report.

3           According to the Pretrial report, the defendant has  
4 four active warrants and understanding that only one of those  
5 is a felony. I understand that. However, those are still four  
6 active warrants and those warrants are for the defendant not  
7 appearing in court.

8           And, if not, the defendant not appearing in court in  
9 person, it is during COVID times not appearing for what appears  
10 to be, like, video court.

11           So, if the defendant is not going to appear for video  
12 court during the times of COVID, it is the government's  
13 position that as we move forward and, you know, there may be  
14 requirements for the defendant to appear in person, he won't do  
15 so, either, as his history states that.

16           I will say there is also a section that talks about  
17 other release pending trial.

18           The defendant, though he was not on any kind of parole  
19 or supervision, he was under the supervision -- under an I-  
20 bond. And that bond in state court, I understand, that it is a  
21 personal recognizance and there is an amount that is set to it;  
22 however, he was under that condition to appear back for court  
23 when he committed this crime, understanding it is not parole or  
24 probation. I get that.

25           And I just wanted to focus -- the last thing I will

1 focus -- on is the first part of the history and  
2 characteristics of the person.

3 Under 3142(g)(3)(a), it talks about the person's  
4 character. And what better evidence to have a person's  
5 character than their own words.

6 And I would rely on that first -- on the Facebook --  
7 video that was presented to the Court of the defendant and his  
8 own words to describe his character.

9 He said it in his words -- and I won't use the  
10 profanity -- he does not care. He does not care.

11 His history, he has fought with police officers. And  
12 we know what the crime is here.

13 And I would stand on that, your Honor, to say that the  
14 defendant he will not appear in court, he is a danger to the  
15 community and we are asking that he be detained.

16 THE COURT: Thank you, Mr. Berry.

17 Mr. Sassan?

18 MR. SASSAN (Via Telephone): Thank you, your Honor.

19 First, it is not a presumption of detention case. And  
20 we believe there is a set of conditions that your Honor can  
21 impose that would the make the case against detention in this  
22 case.

23 First, in terms of a danger to the community, I would  
24 touch on -- actually, in terms of prior convictions, there  
25 appears to be only one prior conviction for my client, which

1 would indicate that he is not typically out committing crimes.

2 With that, I would add that in light of the nature of  
3 the protest, it was an emotionally charged day. And I say that  
4 because I think that certain people's conduct, though it may be  
5 considered criminal, might not be an indication that this is  
6 the way that they normally behave. And, as such, it wouldn't  
7 be necessarily indicative that if it were him that set the  
8 fire, that this is the type of conduct he typically engages in  
9 and would be a danger to the community.

10 I think that the nature of the day and how it was  
11 emotionally charged may have also affected the words used in  
12 the video that the government relies on, in terms of, as I  
13 mentioned before, kind of puffing or bragging or exaggerating  
14 his position.

15 And, as I have pointed to your Honor, there are two  
16 other Facebook pages -- live recordings on the Facebook Live --  
17 where my client is merely watching the protest and indicating  
18 that he wanted to stay away from the trouble that was down  
19 there.

20 While the case is labeled an arson and we don't  
21 dispute that, you know, there was a potential for danger in  
22 this case, the actual actions here are similar to a very  
23 serious kind of prank. But, again, I say that to highlight  
24 that this is not the type of conduct that he would typically or  
25 has typically involved himself in, if this instance, in fact,



1 was him that started the van on fire.

2           Again, the fact that would highlight this, no one was  
3 in the van. It should also be considered not only as just a  
4 luck of the circumstances, but may also have contributed to the  
5 individual decisions to start the van on fire, thinking that,  
6 you know, no one is there and no one is going to get hurt,  
7 whether or not that is true. But I think it should be in  
8 consideration as to the evaluation of whether this conduct  
9 would indicate a danger to the community.

10           The -- and I forgot, your Honor, I believe that Ms.  
11 Lee is on this call and has been. She is the proposed  
12 third-party custodian.

13           And, so, going into the personal conditions and -- I  
14 am sorry, the personal circumstances of my client -- as the  
15 Pretrial report indicates, he is a lifelong resident of  
16 Chicago. He lives with his grandmother.

17           What is not included in the Pretrial Services report  
18 is that his grandmother, Margaret Kerr, resides a couple of  
19 doors away from Ms. Lee. So, essentially, my client's entire  
20 life is on that block, within a couple of houses of each other.

21           And, with that in mind, he officially lives with his  
22 grandmother, but he spends much time with Ms. Lee, with whom he  
23 has known his entire life, since they were kids, for which he  
24 has been in a committed relationship for several years and  
25 which has resulted in a young son that they raise together and

1 with his family.

2 So, as I said, his entire life and the purpose for  
3 being is in Chicago. And he has no history of travel from  
4 Chicago.

5 Ms. Lee, also, works as a Safe Passage Youth Family --  
6 a Safe Passage Office person -- that helps the kids get to and  
7 from school safely.

8 I believe she would be an appropriate third-party  
9 custodian.

10 My client's other factors, in terms of employment,  
11 while he is currently unemployed, it appears it was related to  
12 layoffs caused by the pandemic.

13 But he is a CDL truck driver and it appears that he is  
14 able to return to work, now that his license is reinstated.

15 Obviously, that would be a force in raising a family.  
16 It would also further establish his ties to the community as  
17 someone who is employed and working.

18 Some of the other factors, your Honor, I can touch  
19 briefly on the mental health status indication. I would tend  
20 to say that this would favor release because it was an issue  
21 that was self-reported by my client to Pretrial Services.

22 There has been no diagnosis for the condition he  
23 described. And the condition he described, if it were  
24 something that could be diagnosed, is something that resulted  
25 from him witnessing a good friend of his being shot in his

1 immediate present -- shot and killed in his immediate presence.

2 It is also a condition where there is no indication  
3 that he has necessarily acted out in any dangerous way as a  
4 result of that.

5 Next is the majority of -- as counsel indicated, the  
6 issue with the pending cases and the warrants, I -- there  
7 appears to be one outstanding warrant on a case. And the  
8 reason why I say "appears," is I had forwarded your Honor some  
9 -- or through your court officer some -- pdfs of the electronic  
10 docket that attorneys are able to obtain through the Circuit  
11 Court of Cook County. And my comment being is I am not sure  
12 that there are four warrants based on those dockets.

13 The other thing about those dockets -- and I have  
14 appeared on several of these status calls -- these remote  
15 status calls in the various criminal courthouses in Cook County  
16 since COVID, and the majority -- quite frankly, the majority --  
17 of times defendants' witnesses -- or defendants' appearances --  
18 are being waived, is if there is an attorney present. And only  
19 very rarely, in the numerous appearances I have had, have I  
20 observed any warrants to be issued. So, I am not sure if that  
21 information is accurate.

22 There is an indication on the records I obtained that  
23 there was a postcard warrant sent -- I am sorry, a postcard  
24 notice sent -- of court dates to my client. And I don't know  
25 if they went to his grandmother's house or his -- or where it

1     went.

2                 But I will say there has been an issue in my being  
3     present at these hearings, in terms of whether people have  
4     actually received the notices from the courthouse -- from the  
5     Clerk's Office.

6                 You know, it's --

7                 THE COURT: Well, let me interrupt you on that.

8                 I have some questions about that issue, as well, for  
9     different reasons. And it is more just pragmatic. It raises  
10    an issue.

11                If everyone turns to Page 6, the arrest on July 23rd,  
12    2018, it shows an active warrant as of July 25th, 2018.

13                What I have questions about -- and it is true for the  
14    next arrest, too; is he is arrested in January of 2020 -- if  
15    there were an active warrant as of 2018, there would be some  
16    type of court activity based on that active warrant, based on  
17    his arrest in January of 2020, or one would assume. There is  
18    none.

19                So, that raises a question to me as to what that --  
20    you know, what is the nature of that warrant.

21                The Court, I have seen cases where, you know, the  
22    court fails to quash a warrant than should have been quashed.  
23    Things happen. So, that raises that issue in my mind, as well.

24                Similarly, for the arrest in January of 2020, it says,  
25    "Active warrant." But, again, he has been in court since then

1 on other cases.

2 So, I am not giving much weight to those active  
3 warrants because he appears to be in court after these warrants  
4 are outstanding and nothing is happening in those cases.

5 So, that suggests to me that there is either a  
6 ministerial error or the warrant is not actually active.

7 MR. SASSAN (Via Telephone): I could tend to agree  
8 with that.

9 I would tend to agree. As to the warrants you  
10 referred to, that was issued on 7/25 of '18, I would note that,  
11 also, in terms of that same page in the Pretrial report, the  
12 criminal aspect of that case was SOL'd, or dismissed subsequent  
13 to that warrant being issued on 9/7 of '18.

14 And the other point as to whether or not there are  
15 actually four warrants or any warrants or however many warrants  
16 is in evaluating certainly whether there is a risk of flight,  
17 the fact remains that Mr. Taylor has remained where he  
18 ultimately lives and he has not fled.

19 So, I would tend to think, also, Judge, in one of  
20 those cases, he said he had retained private counsel. So, I  
21 would say that those issue mitigate against the information in  
22 the Pretrial Services report and would seem to indicate that he  
23 is not a risk of flight for those reasons and would be, you  
24 know, likely to appear at the proceedings in this case.

25 (Brief interruption.)

1           THE COURT: Excuse me, whoever is on the line, can you  
2           mute your phone because we are hearing all sorts of background.

3           It sounds like there is a dog and a young child in the  
4           background, please.

5           Thank you.

6           Mr. Sassan, anything else?

7           MR. SASSAN (Via Telephone): No, Judge.

8           Just coupled with that, again, the relatively light  
9           criminal history of my client further would indicate that he is  
10          not a danger to the community; he is not a risk of flight; and,  
11          that an appropriate set of circumstances, which could include  
12          home incarceration, home detention, electronic monitoring,  
13          would be appropriate to both protect the safety of the  
14          community, as well as to mitigate against risk of flight.

15          THE COURT: All right.

16          Here is my order as to Mr. Taylor.

17          One, at this point I am going to order Mr. Taylor  
18          detained. I will explain why and provide an opportunity  
19          perhaps for Mr. Taylor, through his counsel, to address these  
20          concerns at a later date.

21          One, Mr. Berry, I presume you agree that this is not a  
22          presumption case, correct?

23          MR. BERRY (Via Telephone): Yes, your Honor, that is  
24          correct.

25          THE COURT: Okay.

1           Again, for the reasons stated as to Mr. Stewart, the  
2 Court finds this is a very serious offense that weights in  
3 favor -- strongly in favor -- of detention.

4           The weight of the evidence against defendant is  
5 substantial. Therefore, weighs strongly in favor of detention.

6           The defendant's character, I agree with the  
7 government's argument that the social media posting is,  
8 unfortunately, excellent evidence that the defendant has a poor  
9 character -- at least his statements regarding his obligations  
10 to society -- to comply way the law; to be respectful of  
11 societal norms is minimal; and, therefore, weighs strongly in  
12 favor of detention.

13           Defendant's physical health weighs in favor of  
14 release.

15           His mental health, I agree with Mr. Sassan that his  
16 identification of mental health issues is actually a good sign.

17           Problematic to the Court is that defendant claims he  
18 believes he has Post Traumatic Stress from being shot himself  
19 and having a good friend shot and killed next to him.

20           The decision-making involved in someone who has had  
21 those experiences and, then, chooses to engage in the conduct  
22 which the government, I think, has presented substantial  
23 evidence that the defendant did engage in, is problematic, not  
24 as to mental health, but as to decision making.

25           Defendant's family ties weigh in favor of release.

1 Defendant's employment history is neutral.

2 Again, I don't consider lack of financial resources as  
3 a factor that should be weighed in favor of detention. This  
4 would lead to inequitable results.

5 Defendant length of residence in the community weighs  
6 in favor of release.

7 His history relating to alcohol abuse weighs in favor  
8 of detention.

9 I don't recall Mr. Berry mentioning this. I know Mr.  
10 Sassan did not mention this. But the Pretrial Service report  
11 indicates that the defendant self-admitted to drinking one pint  
12 of Hennessy daily or often.

13 Obviously, that is, at any age, not healthy. At a  
14 young age, it is suggestive of a pattern of alcohol abuse that  
15 will lead to substance -- being addicted to alcohol in the near  
16 future. That factor weighs in favor of detention.

17 Defendant's criminal history, again, Mr. Sassan I  
18 think put it well. It is relatively minor compared to at least  
19 Mr. Stewart. And, therefore, I think it weighs slightly in  
20 favor of detention.

21 It is concerning, but I have seen worse.

22 I don't see any danger to any individual in the  
23 community. So, that factor is not applicable.

24 And it is not clear to me that the offense occurred  
25 while the defendant was on some form of release.



1           Is it the government's view that the offense did occur  
2 while he was on release, Mr. Berry?

3           MR. BERRY (Via Telephone): Your Honor, yes -- not --  
4 as I said, not on release, but I think the statute says that  
5 it's -- give me one second.

6           It says, yes, on other release pending trial.

7           And it is our position that even though it is just an  
8 I-Bond, I understand it is a personal recognizance bond, he is  
9 on release at that point, that he should continue to conduct  
10 himself in societal norms.

11          THE COURT: All right.

12          Presuming that the government's representation is  
13 correct, I don't find that factor particularly compelling. So,  
14 it slightly weighs in favor of detention.

15          That said, for those reasons, I would order the  
16 defendant detained.

17          However, the Court has to consider other conditions of  
18 release that may assure his appearance and the safety of the  
19 community.

20          My concern and the reason I am ordering that Mr.  
21 Taylor remain detained is that I am not comfortable with Mr.  
22 Taylor's girlfriend serving as a third-party custodian. She is  
23 young of age herself.

24          The government represents that Ms. Lee was driving the  
25 vehicle that Mr. Taylor was in as they proceeded downtown to

1 engage in what the government alleges was the criminal conduct  
2 here.

3 If that is true, that is problematic to the Court, as  
4 far as Ms. Lee's suitability as a third-party custodian.

5 Even if that is not true, the social media post that  
6 Mr. Taylor made, presumably Ms. Lee has access to that  
7 information, as well. And, obviously, for the reasons I have  
8 already stated, I have concerns about Mr. Taylor's character  
9 and what it suggests about his judgment and decision-making,  
10 based on that social media post.

11 And Ms. Lee as, you know, being part of his daily  
12 life, has not been able to positively influence Mr. Taylor's  
13 decision-making. Therefore, I find him not -- or her -- not to  
14 be an appropriate third-party custodian.

15 However, Ms. Kerr, Mr. Taylor's grandmother, may be.  
16 She is not presented to the Court. I don't know if she is  
17 willing to do so. I don't know if she is willing to sign a  
18 bond of any sort.

19 So, the Court remains open to something else, not what  
20 has been presented. So, for now, I will order Mr. Taylor  
21 detained.

22 Mr. Berry, do you want me to make a further record of  
23 my reasoning?

24 MR. BERRY (Via Telephone): No, your Honor.

25 THE COURT: Mr. Sassan, do you want me to make a

1 further record of my reasoning?

2 MR. SASSAN (Via Telephone): No, sir. Thank you.

3 THE COURT: All right.

4 We will issue a written order on that, as well.

5 Counsel, gentlemen, I have another hearing that I am  
6 way behind on, so I am going to have to proceed to that.

7 I wish you all a good day. And stay well.

8 Thank you.

9 MR. BERRY (Via Telephone): Thank you, your Honor.

10 MR. HUNTER (Via Telephone): Thank you.

11 MR. SASSAN (Via Telephone): Thank you for your time,  
12 your Honor.

13 MR. BERRY (Via Telephone): Thanks, everybody, for  
14 your patience with the videos.

15 THE DEFENDANT TAYLOR (Via Telephone): Tony?

16 MR. SASSAN (Via Telephone): Yes?

17 THE DEFENDANT TAYLOR (Via Telephone): Are you able to  
18 call me today?

19 MR. SASSAN (Via Telephone): I will try to call later.  
20 I have hearings all the way until 6:00 o'clock.

21 THE DEFENDANT STEWART (Via Telephone): I will just  
22 have my aunt to tell my mother to e-mail you.

23 MR. SASSAN (Via Telephone): Perfect.

24 THE DEFENDANT STEWART (Via Telephone): Mr. Hunter?

25 MR. HUNTER (Via Telephone): Yes?

1           THE DEFENDANT STEWART (Via Telephone): Is there a way  
2 that you can contact me today?

3           MR. HUNTER (Via Telephone): I can try, but typically  
4 they won't let me make a call in that short a timeframe.  
5 Usually, they give me three or four days waiting before they  
6 can fit me in. But I will try.

7           THE DEFENDANT STEWART (Via Telephone): Well, yeah. I  
8 need you to contact me so we can talk.

9           MR. HUNTER (Via Telephone): Okay. I will try.

10          THE DEFENDANT STEWART (Via Telephone): All right.

11                           \* \* \* \* \*

12 I certify that the foregoing is a correct transcript from the  
13 record of proceedings in the above-entitled matter.

14   /s/ Joene Hanhardt  
15   Official Court Reporter

June 14, 2022

16  
17  
18  
19  
20  
21  
22  
23  
24  
25